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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,285	11/25/2003	Helmut Mueller	11884/407801	4762
23838 7590 02/07/2007 KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005			EXAMINER TRUONG, LECHI	
			ART UNIT 2194	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/07/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/720,285

Applicant(s)

MUELLER ET AL.

Examiner

LeChi Truong

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-15 are presented for the examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 1, 4, 6, 13, 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following terms lack proper antecedent basis:

The unique identifier – claim 4;

- b. The claim language in the following claims is not clearly understood:

- i. As to claims 6, 13, it is uncertain what is meant by “JDBC” < ie, applicant is required to expand this abbreviation>.

- ii. As to claims 1 and 18, it is not clearly understood what is difference between the data object in the data write and the data object in the data read. It is not clearly understood what is means for “ create a data object into which to write data to make the data persistent” lines 9-10, and how to load data into the data object.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bramnick et al (US. Patent 5,903753) in view of Bhat (US 2003/0055809 A1).

As to claim 1, Bramnick teaches the invention substantially as claimed including: an interface (a name space registry, col 3, ln 49-52/ registry API, col 3, ln 15-20), data independent (each piece of data has a name and a class and optionally have one of more values associated with it, col 3, ln 9-13), data storage mechanisms (the various repositories, col 3, ln 15-17/ files, col 3, ln 50-55/ ln 60-62), providing an interface to store data independent of data storage mechanisms (col 3, ln 51-54/ ln 60-65), a plurality of generic routines(set of functions or function calls, col 3, ln 15-21/ the API functions , col 6, ln 25-27), the interface having a plurality of generic routines commonly shared by the data storage mechanisms(col 6, ln 25-30)

upon receipt of a request, calling the generic routines as a function of one of the data storage mechanisms (col 3, ln 15-20); and

executing the called routines to store the data according to the one of the data storage mechanisms(col 5, ln 39-39-45/ col 6, ln 25-35).

Bramnick does not explicitly teach interface provides a unique identifier associated with the data to store

with the data in persistent storage. Bhat teaches interface provides a unique identifier associated with the data to store with the data in persistent storage(Logging service 11 may also create a unique log record identifier and place it in log record ID field 418. Log record ID 418 may be created using file pointers associated with log file 145, para [0079], ln 1-6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Bramnick and Bhat because Bhat's provides a unique identifier associated with the data to store with the data in persistent storage would improve the teaching of Bramnick's system by providing quick and direct access to various positions in the log file.

As to claim 2, Bhatt teaches a plurality of parameters (error log records, para [0076], ln 1-10), providing a plurality of parameters to define the data storage mechanisms (para [0076], ln 1-10).

As to claim 3, Bhat teaches determining from the request the one of the data storage mechanisms; and calling the generic routines with the parameters of the one of the data storage (para [0076], ln 1-10).

As to claim 5, Bhatt teaches wherein the request includes a data write or a data read (para [0005], ln 3-6).

4. Claims 1, 4, 6, 7-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bramnick et al (US. Patent 5,903,753) in view of Bhat(US 2003/0055809 A1), as applied to claim 1, and further in view of Xu (US. Patent 6,018,743).

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As to claim 4, Bhatt teaches generating the unique identifier, associating the unique identifier with the data (para [0079], ln 1-6/ ln 1-12), Bramnick and Bhatt do not teach formatting the data to be compatible with the one of the data storage mechanisms, and storing the formatted data. However, Xu teaches formatting the data to be compatible with the one of the data storage mechanisms, and storing the formatted data (Object data that is to persist from session to session can be stored directly as objects in an OOP database or can be converted to record data storage, col 2, ln 63-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Bramnick, Bhatt and Xu because Xu's formatting the data to be compatible with the one of the data storage mechanisms, and storing the formatted data would improve the teaching of Bramnick and Bhatt's systems by allowing an object can be easily be retrieved from an storage through object-oriented programming techniques.

As to claim 6, Xu teaches the data storage mechanisms include byte array read/write, file I/O, and JDBC (col 7, ln 18-24).

As to claim 7, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In addition, Xu teaches the memory routines are independent of data storage (col 17, ln 19-22).

As to claim 8, Bhat teaches one of the routines stores the data and any associated data) para [0049], ln 1-6).

As to claim 9, Xu teaches wherein one of the routines stores associated data from which the data may be reconstructed(col 2, ln 62-67).

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As to claim 10, Brat teaches one of the routines stores links and attributes of the data from which the data may be reconstructed [0076], ln 13).

As to claim 11, it is an apparatus claim of claims 1, 3; therefore, it is rejected for the same reasons as claims 1, 3 above. In additional, Xu teaches persistence class to include generic routines to read or write data in persistent data storage independent of data storage mechanisms (col 4, ln 51-57), instantiating the persistence class to create a persistence object specific to the determined data storage mechanism (col 10, ln 45-50/ col 20, ln 52-54), using the persistence object to instantiate an entity class to create a data object into which to write the data to make the data persistent (col 19, ln 61-67 to col 20, ln 1-3), writing data object to the data storage(col 19, ln 65-67 to col 20, ln 1-2). Bhat teaches receiving a request to read or write the data, determining which of the data storage mechanisms to use, if the request is a data write, if the request is a data read (para [0005], ln 1-10), writing the data object to the data storage according to the determined data storage (para [0076], ln 1-6), loading the data into the data object (para[0077], 1-5, para [0087], ln 7-11) and Bramnick teaches directing an operating system to access the date storage (col 5, ln 38-45).

As to claim 12, it is an apparatus claim of claim 7; therefore, it is rejected for the same reason as claim 7 above. In additional, Bramnick teaches at least one storage device having associated therewith a data storage mechanism (col 1, ln 62-65). Bhat teach mobile computer (para [0035], ln 4-7) and XU teaches an interface to make data persistent in the at least one storage device (col 3, ln 18-25).

As to claim 13, it is an apparatus claim of claim 6; therefore, it is rejected for the same reason as claim 6 above.

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As to claim 14, Bhat teaches a generator to create a unique identifier associated with the data in order to allow an application running on the computer to find the data (para [0079], ln 1-7), a memory manager to determine how the data is to be stored in the storage device (para [0078], ln 1-10), and reconstructed when the data is read from the storage device (para [0084], ln 6-14).

As to claim 15, Xu teaches computer executes the application without modifying the application(col 9, ln 45-50). Bhat teaches the application using the interface to find the data based on the unique 30 identifier (para [0079], ln 1-6/ ln 1-12/ para [0100], ln 16-22).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomson, William can be reached on (571) 272 3718. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

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LeChi Truong

January 31, 2007


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